

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MAY 12 4 32 PM '04

CLERK
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BY _____

JENNIFER HONEYCUTT

VS.

ABERCROMBIE AND FITCH STORES, INC

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§
§

SA04CA0424
CASE NUMBER

JURY

XR

DEFENDANT, AMBERCROMBIE AND FITCH STORES, INC,
NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(a)

PLEASE TAKE NOTICE that Defendant, AMBERCROMBIE AND FITCH STORES, INC (“AMBERCROMBIE & FITCH”), hereby removes to this Court the state court action described below, and files this Notice of Removal under 28 U.S.C. §1446(a):

BACKGROUND

1. Plaintiff is JENNIFER HONEYCUTT; Defendant is AMBERCROMBIE AND FITCH STORES, INC.

2. On April 5, 2004, an action was commenced in the 150th Judicial District Court, Bexar County, Texas, entitled JENNIFER HONEYCUTT v. AMBERCROMBIE & FITCH STORES, INC. as Cause Number 2004-CI-05315. Defendant was served on April 12, 2004. Defendant filed this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b). Copies of the required state court documents are attached as Exhibit “A.”

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by Defendant pursuant to provisions of 28 U.S.C. §1441(a) in that it is a civil action wherein the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs and is between parties of different states.

4. Defendant is informed and believes that Plaintiff, JENNIFER HONEYCUTT, was at the time of filing this lawsuit, and still is, a citizen of the State of Texas and resides in Bexar County, Texas. Defendant, ABERCROMBIE & FITCH, was at the time of the filing of this action, and still is, a citizen of the State of Ohio.

BASIS FOR REMOVAL

5. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F.3d 753, 755 (11th Cir. 2000); *Laughlin v. K-Mart Corp.*, 50 F.3d 871, 873 (10th Cir. 1995). The Plaintiff is a citizen of the State of Texas. Defendant is a citizen of the State of Ohio. Therefore, since the Plaintiff is from Texas and Defendant is from Ohio, complete diversity of citizenship exists between these parties, and this Court has proper subject matter jurisdiction. See 28 U.S.C. §1441(a); 28 U.S.C. §1332(a); *Royal Ins. Co.*, 3 F.3d at 883; *Kidd*, 891 F.2d at 545; *Kelley*, 493 F.2d at 786; *Scott*, 762 F.Supp. at 151. Although the Plaintiff's petition does not specify the amount in controversy, it is facially apparent from the state court petition that the amount in controversy likely exceeds Seventy-Five Thousand Dollars (\$75,000.00), excluding interest, costs, and attorney's fees. *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir.1998). Specifically, in Plaintiff's Original Petition, Plaintiff seeks to recover actual damages for past and future pain and suffering, and past and future mental anguish based on her assault claim; loss of value, past and future loss of use, and travel expense based on her conversion claim; past and future humiliation past and future shame, past and future fright, past and future mental anguish, and past and future pain and suffering based on her false imprisonment claim; as well as past and future mental anguish, and past and future pain and suffering based on her negligence claim. Additionally, the Plaintiff is seeking exemplary damages. Therefore, it is more likely than not that the Plaintiff's damages exceed the \$75,000.00 requirement.

6. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

7. Venue is proper in this District under 28 U.S.C. §1441(a) because this District and Division embrace the place where the removed action has been pending.

8. Defendant will file promptly a copy of this Notice of Removal with the Clerk of the state court where the action has been pending.

JURY DEMAND

9. Defendant did demand a jury in the state court action.

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD
Nowlin Building
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone: (210) 344-0500
Telecopier: (210) 344-7228

By: Robert F. Scheiwing
ROBERT F. SCHEIHING
"Attorney in Charge"
Federal Bar No. 18883
State Bar No. 17736350

ATTORNEY FOR DEFENDANT,
ABERCROMBIE & FITCH STORES, INC

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure on this 12 day of May, 2004:

Mr. Carmine J. Giardino
SCHAFFER & ASSOCIATES
7800 IH-10 West, Suite 830
San Antonio, Texas 78230



ROBERT F. SCHEINING

EXHIBIT “A”

CAUSE NO. 2004-CI-05315

JENNIFER HONEYCUTT

VS.

ABERCROMBIE & FITCH STORES, INC. §

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IN THE DISTRICT COURT

150TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

DEMAND FOR JURY

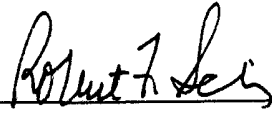
TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ABERCROMBIE & FITCH STORES, INC., Defendant in the above-entitled and numbered cause, and pursuant to Rule 216 of the Texas Rules of Civil Procedure, makes this DEMAND FOR JURY TRIAL and encloses herewith the required jury fee of \$30.00.

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD, INC.
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone (210) 344-0500
Telecopier (210) 344-7228

By


ROBERT F. SCHEIHING
State Bar No. 17736350

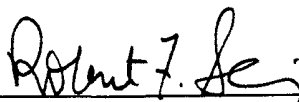
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **DEMAND FOR JURY** has been mailed by First Class Mail to:

Mr. Carmine J. Giardino
SCHAFFER & GIARDINO, LLP
7800 IH-10 West
Suite 830
San Antonio, Texas 78230

this 22 day of April, 2004.



ROBERT F. SCHEIHING

CAUSE NO. 2004-CI-05315**JENNIFER HONEYCUTT****VS.****ABERCROMBIE & FITCH STORES, INC.**§
§
§
§
§**IN THE DISTRICT COURT****150TH JUDICIAL DISTRICT****BEXAR COUNTY, TEXAS****DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ABERCROMBIE & FITCH STORES, INC., Defendant, and files
DEFENDANT'S ORIGINAL ANSWER in response to PLAINTIFF'S ORIGINAL PETITION, and
for such ANSWER would show the following:

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial
and demands that Plaintiff prove her allegations by a preponderance of the evidence.

PRAYER

WHEREFORE, Defendant requests: that Plaintiff recover nothing from this suit; that
Defendant recover costs of Court; and all other relief to which Defendant may be entitled.

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD, INC.
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone (210) 344-0500
Telecopier (210) 344-7228

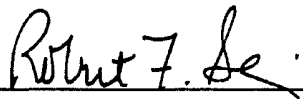
By Robert F. Scheihing
ROBERT F. SCHEIHING
State Bar No. 17736350
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **DEFENDANT'S ORIGINAL ANSWER** has been sent by First Class Mail to:

Mr. Carmine J. Giardino
SCHAFFER & GIARDINO, LLP
7800 IH-10 West
Suite 830
San Antonio, Texas 78230

this 22 day of April, 2004.



ROBERT F. SCHEIHING

PRIVATE PROCESS

"The State of Texas"

NO. 2004-CI-05315JENNIFER HONEYCUTTPlaintiff
vs.ABERCROMBIE & FITCH STORES INC

Defendant

(Note: Attached Document May Contain Additional Litigants.)

NOTICE**Citation Directed to:** ABERCROMBIE & FITCH STORES INC

IN THE DISTRICT COURT

150th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 5th day of April, 2004.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6th DAY OF April A.D., 2004.

PLAINTIFF'S ORIGINAL PETITION

CARMINE J GIARDINO

Attorney/PLAINTIFF

address 7800 JH 10 W 830SAN ANTONIO, TX 78230-4700

MARGARET G. MONTEMAYOR
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: Consuelo Gomez Deputy
CONSUELO GOMEZ

OFFICER'S RETURN

Came to hand 8th day of April, A.D. 2004, at _____ o'clock A.M.
and executed (not executed) the 12th day of April, A.D. _____, in
at _____ o'clock _____ M. by delivering to Abercrombie & Fitch Stores Inc. by CMRR
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at 350 N. St. Paul St. Dallas, TX. 75201

Cause of failure to execute this citation _____

I traveled 2 miles in the execution of this citation. Fees: _____ Serving citation

\$ _____ Mileage Total \$ _____

Badge/PPS # 0782652

Warrior Process Servers, 13206 El Mirador
San Antonio, TX 78233, Bexar County, Texas
By Miguel A. Guerrero

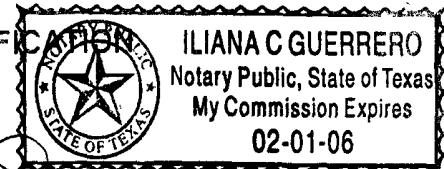
The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this 23rd day of April, 2004

Ilana C Guerrero
NOTARY PUBLIC, STATE OF TEXAS



RETURN TO COURT
(DK002)



PRIVATE PROCESS

"The State of Texas"

NO. 2004-CI-05315JENNIFER HONEYCUTTPlaintiff
vs.ABERCROMBIE & FITCH STORES INC

Defendant

(Note: Attached Document May Contain Additional Litigants.)

NOTICE**Citation Directed to: ABERCROMBIE & FITCH STORES INC**

IN THE DISTRICT COURT

150th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 5th day of April, 2004.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6th DAY OF April A.D., 2004.

PLAINTIFF'S ORIGINAL PETITION

CARMINE J GIARDINO

Attorney/PLAINTIFF

address 7800 IH 10 W 830SAN ANTONIO, TX 78230-4700

MARGARET G. MONTEMAYOR
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: Consuelo Gomez Deputy
CONSUELO GOMEZ

OFFICER'S RETURN

Came to hand _____ day of _____, A.D. _____, at _____ o'clock _____ M.
and executed (not executed) the _____ day of _____, A.D. _____, in _____
at _____ o'clock _____ M. by delivering to _____
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at _____

Cause of failure to execute this citation _____

I traveled _____ miles in the execution of this citation. Fees: _____ Serving citation

\$ _____ Mileage _____ Total \$ _____

Badge/PPS # _____

_____, County, Texas

By _____

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____, _____

NOTARY PUBLIC, STATE OF TEXAS

FILE COPY

(DK002)



2004CI05315
CAUSE NO.

2

JENNIFER HONEYCUTT

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§

IN THE DISTRICT COURT

VS.

JUDICIAL DISTRICT

ABERCROMBIE & FITCH STORES, INC.

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION**A. Discovery Control Plan**

1. Plaintiff intends to conduct discovery under level 2 of Texas Rule of Civil Procedure 190.

B. Parties

2. Plaintiff JENNIFER HONEYCUTT is an individual who resides in Bexar County, Texas.
3. Defendant ABERCROMBIE & FITCH STORES, INC., a foreign Corporation organized and existing under the laws of the State of Ohio and authorized to do business in Texas, may be served with process through its registered agent, CT Corporation System, at 350 N. St. Paul St., Dallas, Texas 75201.

C. Facts

4. On April 4, 2004, JENNIFER HONEYCUTT entered ABERCROMBIE & FITCH STORES, INC., located in North Star Mall, 7400 San Pedro Avenue, San Antonio, Texas 78216. Upon leaving the store, JENNIFER HONEYCUTT was accosted, detained and interrogated for an hour and a half in a private room located in the back of the store, wrongfully accused of shoplifting, robbed of merchandise purchased at another store, assaulted, and sexually harassed by a male ABERCROMBIE & FITCH STORES, INC. employee acting in the course and scope of employment and while impersonating a police officer. Although it was discovered within a few minutes of being detained in the private room that JENNIFER HONEYCUTT did not have any ABERCROMBIE & FITCH STORES, INC. merchandise in her possession, the ABERCROMBIE & FITCH STORES, INC. employee nevertheless proceeded to cause

JENNIFER HONEYCUTT to be arrested based on false information in an attempt to shield himself from criminal charges.

D. Count 1 – Assault by Infliction of Bodily Injury

5. Plaintiff hereby incorporates by reference section C, above, entitled “Facts” and includes its contents in this paragraph for all possible purposes. Defendant acted intentionally, knowingly or recklessly. Defendant made contact with Plaintiff’s physical person. The contact caused injuries to Plaintiff.

E. Count 2 – Assault by Offensive or Provocative Physical Contact

6. Plaintiff hereby incorporates by reference section C, above, entitled “Facts” and includes its contents in this paragraph for all possible purposes. Defendant acted intentionally or knowingly. Defendant made physical contact with Plaintiff’s person. Defendant knew or reasonably should have believed that Plaintiff would regard the contact as offensive or provocative. Defendant’s contact caused injuries to Plaintiff.

F. Count 3 - False Imprisonment

7. Plaintiff hereby incorporates by reference section C, above, entitled “Facts” and includes its contents in this paragraph for all possible purposes. Defendant willfully detained Plaintiff. The detention was without Plaintiff’s consent. The detention was without legal authority or justification. Defendant’s actions caused damage to Plaintiff.

G. County 4 - Negligence

8. Plaintiff hereby incorporates by reference section C, above, entitled “Facts” and includes its contents in this paragraph for all possible purposes. At the time of the incident, Defendant was acting negligently. Defendant had a duty to exercise ordinary care and act reasonably and prudently. Defendant breached that duty and proximately caused injury and other damages to Plaintiff.

H. Conversion

9. Plaintiff hereby incorporates by reference section C, above, entitled "Facts" and includes its contents in this paragraph for all possible purposes. Plaintiff owned, possessed, or had the right to immediate possession of property. The property was personal property. Defendant wrongfully exercised dominion or control over the property. Plaintiff suffered injury.

I. Malice

10. Plaintiff hereby incorporates by reference section C, above, entitled "Facts" and includes its contents in this paragraph for all possible purposes. Defendant acted with malice. Defendant committed wrongful acts in reckless disregard of Plaintiff's rights and with indifference to whether Plaintiff would be injured. Defendant had a wrongful or improper motive or was motivated by some purpose other than bringing guilty persons to justice. Plaintiff is entitled to exemplary damages from Defendant.

J. Vicarious Liability

11. Plaintiff hereby incorporates by reference section C, above, entitled "Facts" and includes its contents in this paragraph for all possible purposes. In addition to being directly liable to Plaintiff, Defendant is also vicariously liable under respondeat superior, apparent agency, authorization, ratification, approval, and actions by vice principals.

K. Conditions Precedent

12. All conditions precedent have been performed or have occurred as required by Texas Rule of Civil Procedure 54.

L. Damages

13. Plaintiffs seek un-liquidated damages in an amount that is within the jurisdictional limits of the court.

Assault

14. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff suffered the following damages:

- a. past and future pain and suffering; and
- b. past and future mental anguish.

Conversion

15. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff suffered the following damages:

- a. loss of value;
- b. past and future loss of use; and
- c. travel expenses.

False Imprisonment

16. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff suffered the following damages:

- a. past and future humiliation;
- b. past and future shame;
- c. past and future fright;
- d. past and future mental anguish; and
- e. past and future pain and suffering.

Negligence

17. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff suffered the following damages:

- a. past and future mental anguish; and
- b. past and future pain and suffering.

Other damages

18. Plaintiff may be entitled to the following damages and hereby incorporates them by reference under each cause of action described in this petition:

- a. exemplary damages;
- b. pre-judgment and post judgment interest;
- c. costs of suit; and
- d. all equitable remedies.

M. Prayer

19. For these reasons, Plaintiff asks that Defendant be cited to appear and answer and that Plaintiff have judgment against Defendant for the following:

- a. all general damages and special damages listed within and throughout this petition;
- b. exemplary damages;
- c. prejudgment and post-judgment interest;
- d. costs of suit;
- e. all other damages, special or otherwise allowed by law; and
- f. all other relief, in law and in equity, to which Plaintiff may be entitled.

Respectfully submitted,

SCHAFER & GIARDINO, LLP
7800 IH-10 West, Suite 830
San Antonio, Texas 78230
Tel: (210) 348-0500
Fax: (210) 348-0520

By:


CARMINE GIARDINO
Texas Bar No. 24025379

ATTORNEYS FOR PLAINTIFFS

REAGAN E. GREER

BEXAR COUNTY DISTRICT CLERK

REQUEST FOR PROCESS

CAUSE NO.

JENNIFER HONEYCUTT

202

IN THE DISTRICT COURT

VS.

202

JUDICIAL DISTRICT

ABERCROMBIE & FITCH STORES, INC.

202

BEXAR COUNTY, TEXAS

Date: April 5, 2004

Request the following process:

Citation XXX Notice _____ Precept _____ Temp. Rest Order _____

Subpoena Subpoena D.T. _____ (Describe Duces Tecum on Reverse)

Temp. Protective Order Other _____

Information for Subpoena: Date	Time	Court
--------------------------------	------	-------

Parties to be served (PLEASE TYPE OR PRINT)

1. **ABERCROMBIE & FITCH STORES, INC.**

Address: CT CORPORATION SYSTEM, 350 N. ST. PAUL STREET, DALLAS, TX 75201

Type* Private Process

*Type: Sheriff; Constable Pct.____; Private Process; Certified Mail; Registered Mail; Out of County; Out of State;
Secretary of State; Commissioner of Insurance;

Title of Document/Pleading to be attached to process : Plaintiff's Original Petition

Name & Address of Attorney: Carmine Giardino, 7800 IH-10 West, Ste. 830, San Antonio, TX 78230

Attorney's Bar No.: 24025379 Attorney for Plaintiffs ~~XXX~~ Defendant _____ Other _____

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05/12/04/RFS/CMS/rth

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JENNIFER HONEYCUTT

VS.

ABERCROMBIE & FITCH STORES, INC.

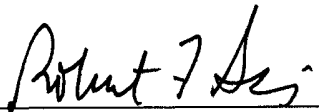
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§ **SA04CA0424** **XR**
§ CASE NUMBER
§ JURY
§

INDEX OF MATTERS BEING FILED

1. Index of Matters Being Filed
2. Civil Cover Sheet - JS 44
3. Supplement to JS 44 Civil Cover Sheet
4. Notice of Removal of Action Under 28 U.S.C. §1441(a)
 - a. Civil Docket Sheet;
 - b. Plaintiff's Original Petition;
 - c. Executed process served on Abercrombie & Fitch Stores, Inc.;
 - d. Defendant's Original Answer;
 - e. Defendant's Jury Demand.
5. List of All Counsel of Record
6. Notice of Related Litigation and Affected Non-Parties
7. Certificate of Service of Notice to Adverse Party of Removal to Federal Court
8. Designation of Attorney in Charge
9. Notice of Entities with a Financial Interest in this Litigation

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD
Nowlin Building
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone: (210) 344-0500
Telecopier: (210) 344-7228

By: 
ROBERT F. SCHEIHING
"Attorney in Charge"
Federal Bar No. 18883
State Bar No. 17736350

ATTORNEY FOR DEFENDANT,
ABERCROMBIE & FITCH STORES, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure on this 12 day of May, 2004:

Mr. Carmine J. Giardino
SCHAFFER & ASSOCIATES
7800 IH-10 West, Suite 830
San Antonio, Texas 78230


ROBERT F. SCHEIHING

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05/12/04/RFS/CMS/rjh

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JENNIFER HONEYCUTT

VS.

ABERCROMBIE & FITCH STORES, INC.

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SA04CA0424
CASE NUMBER
JURY

XR

**NOTICE OF ENTITIES WITH A FINANCIAL
INTEREST IN THIS LITIGATION**

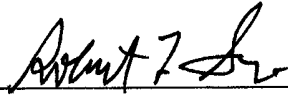
TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Defendant, ABERCROMBIE & FITCH STORES, INC., and files this, its
list of entities that are financially interested in this litigation:

1. Plaintiff:
Jennifer Honeycutt
2. Attorney:
Carmine Giardino
3. Defendant:
Abercrombie & Fitch Stores, Inc.
4. Attorney:
Robert F. Scheihing

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD
Nowlin Building
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone: (210) 344-0500
Telecopier: (210) 344-7228

By: 
ROBERT F. SCHEIHING
"Attorney in Charge"
Federal Bar No. 18883
State Bar No. 17736350

ATTORNEY FOR DEFENDANT,
ABERCROMBIE & FITCH STORES, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure on this 12 day of May, 2004:

Mr. Carmine J. Giardino
SCHAFER & ASSOCIATES
7800 IH-10 West, Suite 830
San Antonio, Texas 78230


ROBERT F. SCHEIHING

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05/12/04/RFS/CMS/rjh

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JENNIFER HONEYCUTT

VS.

ABERCROMBIE & FITCH STORES, INC.

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SA04CA0424
CASE NUMBER _____
JURY

XR

NOTICE OF RELATED LITIGATION AND AFFECTED NON-PARTIES

TO THE HONORABLE JUDGE:

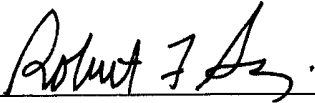
NOW COMES Defendant, ABERCROMBIE & FITCH STORES, INC., and files this, its
Notice of Related Litigation and Affected Non-Parties in this litigation:

1. This case has been removed pursuant to 28 U.S.C. §1446(a). Accordingly, Plaintiff initiated this suit by filing Plaintiff's Original Petition on April 5, 2004, in the 150th Judicial District Court, Bexar County, Texas. Otherwise, there is no related current or recent litigation applicable to this suit.

2. Counsel for Defendant certifies that he is not aware of any directly affected non-parties to this suit.

Respectfully submitted,

ADAMI, GOLDMAN & SHUFFIELD
Nowlin Building
9311 San Pedro, Suite 900
San Antonio, Texas 78216
Telephone: (210) 344-0500
Telecopier: (210) 344-7228

By: 
ROBERT F. SCHEIHING
"Attorney in Charge"
Federal Bar No. 18883
State Bar No. 17736350

ATTORNEY FOR DEFENDANT,
ABERCROMBIE & FITCH STORES, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure on this 12 day of May, 2004:

Mr. Carmine J. Giardino
SCHAFFER & ASSOCIATES
7800 IH-10 West, Suite 830
San Antonio, Texas 78230


ROBERT F. SCHEIHING